

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES R. GILLETTE,
Plaintiff,

v.

ALAMEDA COUNTY SHERIFF'S
DEPARTMENT, *et al.*,
Defendants.

No. C-08-3485 VRW (EMC)

**ORDER RE DEFENDANTS' LETTER
OF APRIL 3, 2009; REFERRAL TO
MAGISTRATE JUDGE FOR
SETTLEMENT CONFERENCE; AND
SCHEDULING STATUS CONFERENCE**
(Docket No. 30)

The Court held a conference call on April 8, 2009, to address a discovery dispute concerning Plaintiff's medical records. *See* Docket No. 30 (letter). This order memorializes the parties' agreements and the Court's rulings on other case matters.

A. Medical Records

Defendants served a subpoena for medical records on three medical service providers who treated Plaintiff in the hours after the incident at issue. During the conference call, Plaintiff indicated that he did not have an objection to providing medical records about treatment for any mental condition. As for medical records about treatment for a physical condition, the only physical injuries claimed by Plaintiff appear to be scrapes on the skin and a bump on the back of the head. Defendants acknowledged that these types of physical injuries do not raise any concern about pre-existing conditions. Accordingly, Defendants conceded that they had no need for older medical records and needed only medical records for treatment of physical conditions at or about the time of the incident at issue. Plaintiff was amenable to providing such medical records.

B. Settlement Referral, Related Discovery, and Status Conference

In his order of February 24, 2009, *see* Docket No. 20, Judge Walker referred designated this Court to conduct all proceedings authorized by 28 U.S.C. § 636(b)(1)(B). That section allow a magistrate judge to conduct hearings (including evidentiary hearings) and to submit to the presiding judge proposed findings of fact and recommendations for the disposition of the excepted motions identified in § 636(b)(1)(A). In light of this referral, the Court deemed it appropriate to refer the case to a settlement conference with a magistrate judge, as requested by Defendants and as agreed to by Plaintiff.

The Court therefore refers this case for a settlement conference with a magistrate judge to take place no later than **June 8, 2009**. In order to assist the settlement conference, Plaintiff is given leave to depose the two individual defendants (*i.e.*, the police officers), with each deposition to last no longer than four (4) hours.

Finally, the Court shall hold a status conference in the instant case on **June 17, 2009, at 2:30 p.m.** The parties shall file a joint status conference statement by June 10, 2009, providing the Court with an update as to the status of the case.

IT IS SO ORDERED.

Dated: April 9, 2009



EDWARD M. CHEN
United States Magistrate Judge